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AMENDED IN ASSEMBLY APRIL 21, 2009

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CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 215**

**Introduced by Assembly Members Feuer and Smyth**

**(Principal coauthors: Assembly Members Huffman and Lieu)**

(Principal coauthors: Senators Alquist and Florez)

**(Coauthors: Assembly Members Ammiano, Blumenfield, Carter,  
Fletcher, Harkey, Jeffries, Knight, and Silva)**

(Coauthor: Senator DeSaulnier)

February 3, 2009

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An act to add Section 1418.21 to the Health and Safety Code, relating to long-term health care facilities.

### LEGISLATIVE COUNSEL'S DIGEST

AB 215, as amended, Feuer. ~~Long-term health care~~ *Skilled nursing* facilities: ratings.

Existing law provides for the licensure and regulation by the State Department of Public Health of *long-term* health care facilities, including ~~long-term health care~~ *skilled nursing* facilities. Existing law creates the State Health Facilities Citation Penalties Account in the Special Deposit Fund, with the moneys in this account to be used, upon appropriation, for prescribed purposes.

This bill would, commencing January 1, 2011, require ~~a long-term health care facility~~ *skilled nursing facilities* to post, in accordance with

prescribed requirements, the overall facility rating information determined by the federal Centers for Medicare and Medicaid Services *and to inform consumers regarding information available at the department's Internet Web site.* A violation of these provisions would be a class B violation, as defined, with the proceeds from fines collected to be deposited into the State Health Facilities Citation Penalties Account.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1418.21 is added to the Health and Safety  
2 Code, to read:  
3 1418.21. (a) ~~A long-term health care~~ *skilled nursing* facility  
4 that has been certified for purposes of Medicare or Medicaid ~~and~~  
5 ~~provides skilled nursing care~~ shall post the overall facility rating  
6 information determined by the federal Centers for Medicare and  
7 Medicaid Services (CMS) in accordance with the following  
8 requirements:  
9 (1) The information shall be posted in at least the following  
10 locations, in the facility:  
11 (A) An area accessible and visible to members of the public.  
12 (B) An area used for employee breaks.  
13 (C) An area used by residents for communal functions, such as  
14 dining, resident council meetings, or activities.  
15 (2) The information shall be posted ~~on a white or light-colored~~  
16 ~~sheet of paper that is at least 8 ½ by 11 inches in size~~  
17 ~~that paper~~ that includes all of the following, in the following  
18 order:  
19 (A) The full name of the facility, in a clear and easily readable  
20 font of at least 28 point.  
21 (B) The full address of the facility in a clear and easily readable  
22 font of at least 20 point.  
23 (C) The most recent overall star rating given by CMS to that  
24 facility, except that a facility shall have seven business days from  
25 the date when it receives a different rating from the CMS to include  
26 the updated rating in the posting. The star rating shall be aligned  
27 in the center of the page. The star rating shall be expressed as the  
28 number that reflects the number of stars given to the facility by

1 the CMS. The number shall be in a clear and easily readable font  
2 of at least two inches print.

3 (D) Directly below the star symbols shall be the following text  
4 in a clear and easily readable font of at least 28 point:

5 “The above number is out of 5 stars.”

6 (E) Directly below the text described in subparagraph (D) shall  
7 be the following text in a clear and easily readable font of at least  
8 14 point:

9 “This facility is reviewed annually and has been licensed by the  
10 State of California and certified by the federal Centers for Medicare  
11 and Medicaid Services (CMS). CMS rates facilities that are  
12 certified to accept Medicare or Medicaid. CMS gave the above  
13 rating to this facility. A detailed explanation of this rating is  
14 maintained at this facility and will be made available upon request.  
15 This information can also be accessed online at the Nursing Home  
16 Compare Internet Web site at  
17 <<http://www.medicare.gov/NHcompare>>. Like any information,  
18 the Five-Star Quality Rating System has strengths and limits. The  
19 criteria upon which the rating is determined may not represent all  
20 of the aspects of care that may be important to you. You are  
21 encouraged to discuss the rating with facility staff. The Five-Star  
22 Quality Rating System was created to help consumers, their  
23 families, and caregivers compare nursing homes more easily and  
24 help identify areas about which you may want to ask questions.  
25 Nursing home ratings are assigned based on ratings given to health  
26 inspections, staffing, and quality measures. Some areas are assigned  
27 a greater weight than other areas. These ratings are combined to  
28 calculate the overall rating posted here.”

29 ~~(3) A copy of the most recent CMS report on the facility shall~~  
30 ~~be maintained at the facility, and shall be made available to~~  
31 ~~residents or the public upon request.~~

32 (F) Directly below the text described in subparagraph (E), the  
33 following text shall appear in a clear and easily readable font of  
34 at least 14 point:

35  
36 “State licensing information on skilled nursing facilities is  
37 available on the State Department of Public Health’s Internet Web  
38 site at: [www.cdph.ca.gov](http://www.cdph.ca.gov), under Programs, Licensing and  
39 Certification, Health Facilities Consumer Information System.”  
40

1     (3) *For the purposes of this section, “a detailed explanation of*  
2 *this rating” shall include, but shall not be limited to, a printout of*  
3 *the information explaining the Five-Star Quality Rating System*  
4 *that is available on the CMS Nursing Home Compare Internet*  
5 *Web site. This information shall be maintained at the facility and*  
6 *shall be made available upon request.*

7     (4) The requirements of this section shall be in addition to any  
8 other posting or inspection report availability requirements.

9     (b) Violation of this section shall constitute a class B violation,  
10 as defined in subdivision (e) of Section 1424 and, notwithstanding  
11 Section 1290, shall not constitute a crime. Fines from a violation  
12 of this section shall be deposited into the State Health Facilities  
13 Citation Penalties Account, created pursuant to Section 1417.2.

14     (c) This section shall be operative on January 1, 2011.